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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/810,764

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David J. Love

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EXAMINER

JOSEPH, JAISON

ART UNIT

PAPER NUMBER

2611

NOTIFICATION DATE

DELIVERY MODE

11/01/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/810,764	Applicant(s) LOVE ET AL.	
	Examiner Jaison Joseph	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 07/23/2007 have been fully considered but they are not persuasive.

Regarding claims 1, 8, and 15, Applicant argue, "Ketchum does not select a constellation combination based on gains of channels of a transmitter as recited in independent claim 1, 8 and 15". However Examiner respectfully disagrees. Ketchum teaches the limitation "to select a constellation combination based on gains in channels of said MIMO transmitter" in paragraph 54 and 55. In paragraph 55, Ketchum clearly teaches "[t]he coding scheme (constellation combination) to be used is determined by the controls from controller130, which ... determined based on CSI (Channel State Information) received from receiver system". Thus, as applicant admitted, Ketchum teaches selecting based on CSI from the receiver (see page 3, line 4 of the remarks). Further, Ketchum teaches CSI comprises all of the information received at the receiver including gains in the channel (see paragraph 0029 of the Ketchum reference and as applicant admitted in page 2, lines 10 – 19 of the remarks). Therefore Ketchum clearly teaches all cited limitations. Thus Examiner maintains the rejections of claims 1 – 20. Further Applicant is reminded that the examiner is entitled to give broadest reasonable interpretation to the language of the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ketchum et al (USPAP 2003/0108117).

Regarding claim 1, Ketchum et al teach a waterpouring system for use with a multiple-input, multiple-output (MIMO) transmitter, comprising: an encoding decision subsystem configured to select a constellation combination based on gains in channels of said MIMO transmitter (see figure 1, controller 130 and figure 2, and paragraph 54 and 55) an; a vector modulator subsystem, coupled to said encoding decision subsystem, configured to modulate a fixed number of bits in a bit stream with said constellation combination to generate a symbol vector (see figure 1 and 2, and paragraph 57); and a normalization and precoding subsystem, coupled to said vector modulator subsystem, configured to weight said symbol vector based on said gains to yield a weighted symbol vector and distribute said weighted symbol vector among said channels (see figure 1 and figure 2, component 120a and paragraph 59 –74).

Regarding claim 2, which inherits the limitations of claim 1, Ketchum et al further teach wherein said encoding decision subsystem is configured to select said

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constellation combination from a set of constellation combinations constituted from at least one modulation technique selected from the group consisting of: quadrature amplitude modulation, and phase shift keying (see paragraph 0057).

Regarding claim 3, which inherits the limitations of claim 1, Ketchum et al further teach wherein said gains are configured to be reflected in an ordered, real diagonal matrix (see paragraph 25).

Regarding claim 4, which inherits the limitations of claim 1, Ketchum et al further teach wherein said encoding decision subsystem is configured to select a maximum-rate sub-channel constellation and a corresponding gain that encodes a number of bits based on a transmission capacity (see paragraph 0057).

Regarding claim 5, which inherits the limitations of claim 1, Ketchum et al further teach wherein said weighted symbol vector is configured to have an energy equaling a total transmit energy of said MIMO transmitter (see abstract).

Regarding claim 6, which inherits the limitations of claim 1, Ketchum et al further teach wherein said normalization and precoding subsystem is configured to distribute said weighted symbol vector along an orthogonal right singular vector of a matrix representing said channels (see abstract and paragraph 59 –74).

Regarding claim 7, which inherits the limitations of claim 1, Ketchum et al further teach wherein said MIMO transmitter is configured to form a part of a selected one of: a narrowband wireless communication system employing multiple antennas, a broadband communication system employing orthogonal frequency division

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multiplexing, a time division multiple access communication system, and a multi-user communication system (see abstract).

Regarding claim 8, the claimed apparatus including the features correspond to subject matter mentioned above in the rejection of claim 1 is applicable hereto.

Regarding claim 9, which inherits the limitations of claim 8, the claimed apparatus including the features correspond to subject matter mentioned above in the rejection of claim 2 is applicable hereto.

Regarding claim 10, which inherits the limitations of claim 8, the claimed apparatus including the features correspond to subject matter mentioned above in the rejection of claim 3 is applicable hereto.

Regarding claim 11, which inherits the limitations of claim 8, the claimed apparatus including the features correspond to subject matter mentioned above in the rejection of claim 4 is applicable hereto.

Regarding claim 12, which inherits the limitations of claim 8, the claimed apparatus including the features correspond to subject matter mentioned above in the rejection of claim 5 is applicable hereto.

Regarding claim 13, which inherits the limitations of claim 8, the claimed apparatus including the features correspond to subject matter mentioned above in the rejection of claim 6 is applicable hereto.

Regarding claim 14, which inherits the limitations of claim 8, the claimed apparatus including the features correspond to subject matter mentioned above in the rejection of claim 7 is applicable hereto.

Regarding claim 15, Ketchum et al teach a multiple-input, multiple-output (MIMO) transmitter employing an input bitstream, comprising (see figure 1): a plurality of transmit channels (see figure 1); and a waterpouring system, including: an encoding decision subsystem that selects a constellation combination based on gains in said transmit channels (see figure 1, component 130), a vector modulator subsystem, coupled to said encoding decision subsystem, that modulates a fixed number of bits in said input bitstream with said constellation combination to generate a symbol vector (see figure 1 component 130, 114, 120, and figure 2, components 114a), and a normalization and precoding subsystem, coupled to said vector modulator subsystem, that weights said symbol vector based on said gains to yield a weighted symbol vector and distributes said weighted symbol vector among said transmit channels (see figure 1, components 114, 120, 130 and figure 2, component 120a and paragraph 55 – 74).

Regarding claim 16, which inherits the limitations of claim 15, the claimed apparatus including the features correspond to subject matter mentioned above in the rejection of claim 2 is applicable hereto.

Regarding claim 17, which inherits the limitations of claim 15, the claimed apparatus including the features correspond to subject matter mentioned above in the rejection of claim 3 is applicable hereto.

Regarding claim 18, which inherits the limitations of claim 15, the claimed apparatus including the features correspond to subject matter mentioned above in the rejection of claim 4 is applicable hereto.

Regarding claim 19, which inherits the limitations of claim 15, the claimed apparatus including the features correspond to subject matter mentioned above in the rejection of claim 5 is applicable hereto.

Regarding claim 20, which inherits the limitations of claim 15, the claimed apparatus including the features correspond to subject matter mentioned above in the rejection of claim 6 is applicable hereto.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaison Joseph whose telephone number is (571) 272-6041. The examiner can normally be reached on M-F 9:30 - 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jaison Joseph
10/26/2007


CHIEH M. FAN
SUPERVISORY PATENT EXAMINER